

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE ENROLLED ACT No. 230

AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 14-22-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) This section does not apply to the following:

(1) A privately owned lake, farm pond, or public or private drainage ditch.

(2) A landowner or tenant adjacent to public waters or boundary waters of the state, who chemically, ~~treats~~ **mechanically, or physically controls** aquatic vegetation in the immediate vicinity of a boat landing or bathing beach on or adjacent to the real property of the landowner or tenant if the following conditions exist:

(A) The area **where vegetation is** to be ~~chemically treated~~ **controlled** does not exceed:

(i) ~~one-half (1/2) acre; or~~

(ii) ~~fifty percent (50%) of the existing area of aquatic vegetation;~~

~~whichever is less.~~

(i) **twenty-five (25) feet along the legally established, average, or normal shoreline;**

(ii) **a water depth of six (6) feet; and**

(iii) **a total surface area of six hundred twenty-five (625) square feet.**

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(B) ~~Treatment~~ **Control of vegetation** does not occur in a public waterway of the state.

(b) A person may not chemically, ~~treat~~ **mechanically, physically, or biologically control** aquatic vegetation in the public waters or boundary waters of the state without a permit issued by the department. All procedures to ~~chemically treat~~ **control** aquatic vegetation **under this section** shall be conducted in accordance with rules adopted by the department under IC 4-22-2.

(c) Upon receipt of an application for a permit to ~~chemically treat~~ **control** aquatic vegetation and the payment of a fee of five dollars (\$5), the department may issue a permit to the applicant. **However**, if the ~~water aquatic vegetation~~ proposed to be ~~treated~~ **is used as controlled is present in** a public water supply, the department may not, without prior written approval from the ~~state~~ department of ~~health,~~ **environmental management**, approve a permit for chemical ~~treatment~~ **control** of the aquatic vegetation.

(d) This section does not do any of the following:

- (1) Act as a bar to a suit or cause of action by a person or governmental agency.
- (2) Relieve the permittee from liability, rules, restrictions, or permits that may be required of the permittee by any other governmental agency.
- (3) Affect water pollution control laws (as defined in IC 13-11-2-261) and the rules adopted under water pollution control laws (as defined in IC 13-11-2-261).

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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